## **Articles**

# Firearm Violence in California Information and Ideas for Creating Change

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Homicides have been on the rise in California in recent years, almost entirely as a result of increased firearm activity, resulting in one of the highest homicide rates in the country. With increasing morbidity and mortality from guns, health care professionals have called the situation an epidemic. In the past decade, attention from the health care profession has resulted in a new focus on the public health issues surrounding firearms. There is considerable confusion among policy makers regarding what should be done to stem firearm violence. I discuss morbidity and mortality trends, academic research, and legal issues surrounding firearm violence, affording insight into the seriousness and complexity of this rapidly growing problem and providing policy ideas for addressing the role of firearms. Such policy ideas include removal of the California Legislature's preemptive authority on firearms licensing and registration; the formation of an information and advisory body within the California Department of Health; increased liability for manufacturers, distributors, dealers, and owners; and a statewide registration system.

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Between 1985 and 1991, mortality from firearms in California rose from 3,828 to 5,048 deaths (Tables 1 and 2). By comparison, motor vehicle accidents in that year accounted for 4,900 deaths. More deaths from firearm trauma than by motor vehicle accidents was a first for California in 1991. Motor vehicle accidents outnumbered firearms as a leading cause of death in 1985; the change in rank between deaths caused by firearms and motor vehicle accidents by 1991 came mostly as a result of an increase in deaths from firearms, not from a decrease in fatalities in motor vehicle accidents. In the control of the control of

In 1987 firearm deaths and injuries in California were described as an "epidemic of modern times." Considering the recent increases in firearm mortality, this epidemic has continued and is becoming more severe. Health care professionals increasingly view firearm violence as an important public health issue. 59 In this article I review statistics, scientific studies, and legal issues surrounding firearm violence in California.\*

### **Firearm Mortality and Morbidity**

During 1987, California had the highest rates in the United States for both total and firearm-related homicides among 15- to 24-year-old white men and the second highest such rates among African-American men aged 15 to 25 years. This ranking is especially important because both nationally and in the state of California, members of this age group are the victims of more firearm fatalities than any other and because among young African Americans, firearm violence is the leading cause of death. 10-12

In 1991, California had one of the highest overall rates of homicide in the United States at 12.7 deaths per 100,000 residents. Nearly 70% of California's homicides were from firearms (Table 1). Between 1985 and 1991, an increase of 32% in firearm-related mortality in the state was due entirely to an increase in homicides involving firearms, but other causes of death from firearms actually decreased or remained constant (Table 2).

Since 1950, murders with firearms have accounted for nearly the entire increase in homicides throughout the United States. If In addition, between 1985 and 1991, the

<sup>\*</sup>See also the editorial by A. L. Kellermann, MD, MPH, "Do Guns Matter?" on pages 614-615 of this issue.

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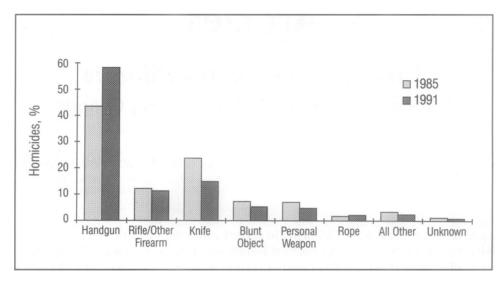


Figure 1.—Percentages of homicides in California in 1985 and 1991 are shown by type of weapon.

use of firearms was the dominant factor in the rising rate of homicides (Table 3).15 In particular, the increase in firearm-related homicides was almost entirely as a result of the increase in homicides with handguns. As shown in Figure 1, handguns are by far the predominant weapon used in homicides in California. 11

Morbidity from firearms has been difficult to assess, given poor classification of nonfatal firearm injuries and the incompatibility between injury classification systems.6 Recent estimates of the total number of firearmrelated injuries from causes other than suicide range from five to seven times the number of deaths, with firearm injuries requiring admittance to hospitals numbering approximately twice the number of deaths. 6,16,17 For suicide, the rates of completion with a firearm approximate 98%.16

The use of firearms during violent acts, such as robbery and aggravated assault, has been increasing rapidly (Table 4). 18 As the incidence of crimes involving firearms increases, the potential for persons to be killed rises as well. In a physical attack, the chance of death is approximately three to five times greater when the perpetrator uses a gun rather than a knife, and the chance is 12 times greater than with all nonfirearm weapons. 19-21

The situation is likely to become worse because violent crimes likely to involve firearms are being committed with increasing frequency by youths. According to 1991

|              |       | Between | 1985 and | 1991*           |                 |
|--------------|-------|---------|----------|-----------------|-----------------|
| Cause        |       |         | a        | Contribution to |                 |
| of Death     | 1985  | 1991    | No.      | (%)             | Total Change, % |
| Firearms     | 3,828 | 5,048   | +1,220   | (+32)           | 75              |
| MVAs†        | 5,296 | 4,900   | -396     | (-7.5)          | 25              |
| Total change |       |         | 1,616    |                 | 100             |

data of felony arrests, 60.4% of all persons arrested for homicide and 62.4% of those arrested for robbery were younger than 25 years.18 Rates of arrest and the percentage of increase in rates of arrest between 1985 and 1991 for homicides, robberies, and forcible rapes were substantially greater among juveniles aged 10 to 17 years than among adults aged 18 and older (Tables 5 and 6).

#### Growth of Gun Supply

As the rates of deaths and violent acts involving firearms has grown, so, too, has the supply of guns. In the United States, nearly 50% of all American households contain at least one of the estimated 200 million firearms in circulation. 6,22 Although official estimates of the number of guns in California are not available, the state has experienced a tremendous growth in its firearm supply, according to records from its 11,462 federally licensed gun dealers.23

In 1992, a total of 367,375 handguns and 177,486 long guns such as rifles and shotguns were legally purchased in California.23,24 From 1986 to 1992, sales of handguns alone increased from 254,479 to 367,375 guns a year.<sup>23</sup> In this seven-year period, 2,100,190 handguns were purchased legally, an average of 300,027 handguns a year. This figure represents approximately 800 hand-

| Cause of           | 1985       |       | 1991       |       | Percent Change, |       |
|--------------------|------------|-------|------------|-------|-----------------|-------|
| Death              | No.        | Rate† | No.        | Ratef | No.             | Rate† |
| Homicides          | 1,585      | 6.0   | 2,898      | 9.5   | +82.7           | +58.3 |
| Suicides           | 2,013      | 8.0   | 1,950      | 6.4   | -3.1            | -20.0 |
| Accident           | 151        | 1.0   | 126        | 0.4   | -16.6           | -60   |
| Legal intervention | 53         | 0.2   | 53         | 0.17  | 0.0             | -15   |
| Intent unknown     | 26         | 0.1   | 23         | 0.08  | -11.5           | -20   |
| Total              | 3,828      | 14.5  | 5,048      | 16.6  | +31.9           | +14.5 |
| Population         | 26,365,000 |       | 30,380,000 |       |                 |       |

| TABLE 3.—       |       | Related Homicid<br>to 1991* | les in Californ | ia,    |  |  |
|-----------------|-------|-----------------------------|-----------------|--------|--|--|
| Type of         |       |                             | Cha             | Change |  |  |
| Homicide        | 1985  | 1991                        | No.             | %      |  |  |
| Total           | 2,818 | 4,071                       | +1,253          | +44.5  |  |  |
| Firearm-related | 1,585 | 2,896                       | +1.311          | +82.7  |  |  |

guns sold each day through the legal, recorded transactions of federally licensed firearms dealers.

#### Illegal Gun Ownership

No official data are available for guns that are obtained illegally, but recent reports estimate that 70% to 80% of guns used by criminals are stolen or purchased illegally. <sup>25,26</sup> As the supply of lawfully purchased firearms in California homes increases, criminals can more easily obtain firearms to be used unlawfully. In a 1989 survey of 605 firearm owners throughout the United States, only 45% reported keeping their firearms locked up when not in use. <sup>27</sup> In addition, 56% of those surveyed reported owning three or more firearms.

#### **Pros and Cons of Gun Ownership**

Statistical data are alarming, but such statistics do not make clear whether guns themselves affect gun violence. Understanding this relationship helps educate the public and creates a direction for policy on firearms.

#### Benefits of Guns

Despite their use in violent crime and death, guns have benefits for society. The most evident benefit is recreation for millions of sharpshooters and hunters. Protective claims have been related anecdotally, but no case-controlled or statistically generalizable research has ever shown that the presence of a firearm as protection during an attack is associated with a decreased risk of morbidity and mortality.<sup>28</sup> The existing evidence is from surveys of personal accounts of self-protection,<sup>29</sup> and the validity of such accounts has not been substantiated.

Many gun advocates insist that if every citizen possessed a firearm, criminals would be deterred from committing crimes. With at least half of all American

TABLE 4.—Change in Firearm and Knife Use in Reported Violent Acts in California. 1985 to 1991\*

| Violent Act  | 1985    | 1991    | %<br>Change |  |  |
|--------------|---------|---------|-------------|--|--|
| Robbery      |         |         |             |  |  |
| All weaponst | 86,464  | 125,105 | +45         |  |  |
| Firearms     | 29,829  | 44,933  | +51         |  |  |
| Knives       | 12,293  | 15,128  | +23         |  |  |
| Assault      |         |         |             |  |  |
| All weapons  | 101,379 | 188,993 | +86         |  |  |
| Firearms     | 19,434  | 40,063  | +106        |  |  |
| Knives       | 19,348  | 24,878  | +28         |  |  |

\*From California Department of Justice.18

†Refers to violent acts committed with firearms, knives, blunt object, rope, and personal weapons such as hands and feet.

TABLE 5.—California Juvenile Arrests for Selected Felony Crimes, 1985 to 1991\*

|                |        | 1985    | 1      | 1991   | Percent | Change, |
|----------------|--------|---------|--------|--------|---------|---------|
| Felony Crime   | No.    | Rate†   | No.    | Rate†  | No.     | Rate†   |
| Homicides      | 236    | 8.3     | 696    | 20.9   | +195    | +152    |
| Robbery        | 5,180  | 181.6   | 7,960  | 239.4  | +53.7   | +31.8   |
| Forcible rape  | 481    | 16.8    | 665    | 20.0   | +38.2   | +19.0   |
| Felony assault | 6,366  | 223.1   | 11,695 | 351.7  | +83.7   | +57.6   |
| Total          | 12,263 | 429.8   | 21,016 | 632.1  | +71.4   | +47.1   |
| Population     | 2,     | 835,000 | 3,3    | 24,900 |         |         |

\*From California Department of Justice.\*\*
†Rates are per 100,000 California youths aged 10-17 years.

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households owning firearms, 6.22 however, crime rates continue to rise. Perhaps more important, gun advocates have been unable to respond adequately to the increasing evidence that in California, as in the rest of the nation, most firearm-related violence is being committed by relatives and friends of victims and in the course of arguments. 12,13

#### Problems With Guns

In California during 1991, most homicides (64.9%), occurred between relatives, friends, or acquaintances.12 Of all female victims, 22.4% were murdered by a spouse. The relationship between victim and offender was unknown for 1,318 cases. According to the California Department of Justice, although including these unknowns would increase the statistics for stranger homicides relative to other relationships, friends and acquaintances would remain the most frequent relationship between victim and murderer. Furthermore, of those cases of homicide where the precipitating event was known, 43% were caused by arguments, with only 16.4% occurring in the course of a rape, robbery, or burglary and an additional 30.4% occurring as a result of drug- or gang-related activity. In addition, using estimates from several studies, a "reasonably conservative estimate" of the proportion of homicide offenders with previous felony convictions is 25%, indicating that perhaps 75% of all homicides are committed by persons without previous felony records.19

Because 71.1% of all homicides are committed with a gun, <sup>15</sup> usually a handgun, <sup>12</sup> the mere presence of firearms in society may play an important role in the rising rates of mortality. Kellermann and co-workers reported in a case-

TABLE 6.—California Adult Arrests for Selected Felony Crimes, 1985 to 1991\*

|                | 1985   |         | 1991    |              | Percent Change, |        |
|----------------|--------|---------|---------|--------------|-----------------|--------|
| Felony Crime   | No.    | Rate†   | No.     | Rate†        | No.             | Rate†  |
| Homicides      | 2,884  | 15.0    | 3,024   | 13.5         | +4.8            | -10.0  |
| Robbery        | 19,074 | 99.3    | 23,386  | 104.6        | +22.6           | +5.3   |
| Forcible rape  | 3,733  | 19.4    | 3,752   | 16.8         | +0.5            | -13.4  |
| Felony assault | 38,695 | 202     | 92,792  | <u>415.1</u> | +140            | +105.5 |
| Total          | 64,386 | 335     | 122,954 | 550          | +90.1           | +64.2  |
| Population     | 19,2   | 200,300 | 22,     | 354,600      |                 |        |

\*From California Department of Justice."

†Rates are per 100,000 California adults aged 18 years and older.

controlled, population-based study of three counties in Tennessee, Washington, and Ohio that the presence of a gun in the household triples the risk of a household member being murdered with a firearm.<sup>30</sup> This threefold increase in risk exists even after adjusting for location and for household members with previous arrests, illicit drug use, and histories of nonfatal domestic fighting. This study also found that approximately 51% of the homicides followed altercations and that at least 77% of homicides occurred between relatives and acquaintances. Earlier research also supports this relationship between firearm availability and homicide rates, although these earlier studies were not as well controlled.<sup>31,32</sup>

Internationally, the presence of guns also appears to be a fatal risk factor. The Swiss researcher Killias found that when homicide and suicide rates in various western countries are compared with levels of gun ownership, a consistently significant correlation is evident between the number of households with guns and the rates of homicide with a gun, of suicide with a gun, and the overall rates of homicide or suicide by any means.22 No significant correlation existed between gun ownership and the rate of homicide by means other than a gun. Killias found the rate of homicide from firearms alone in the United States was 44.6 homicides per million residents. Except for Northern Ireland with 35.5 homicides per million, the rate of homicide due to firearms was over five times lower in all other countries. Other international comparisons indicate that the United States is a more violent and deadly place for young men than anywhere else in the western world, almost entirely as a result of homicides involving firearms.<sup>10</sup>

These international studies are not case-controlled, but they do represent comparisons among countries that share many social and economic similarities. In addition, Killias's study showed no statistically significant correlation between the rate of firearm ownership and non-firearm-related homicides and suicides,<sup>22</sup> indicating that countries with higher rates of gun ownership are not necessarily inherently more violent or suicidal. In fact, if firearms were excluded as a cause of homicide, the differences between the rates of homicide in the United States and other countries would decrease by 70% to 90%.<sup>10</sup>

#### **Gun Policy Objectives**

In terms of broad policy objectives that address guns themselves, essentially two directions exist: actively or passively allow the supply of guns to increase, or decrease the supply of guns. From the data, decreasing the number of firearms appears to make the most sense in stemming the rising problem of gun violence. But what, specifically, can be done to decrease firearms in California? Before such a question can be answered, the current status of legal issues surrounding levels of firearm availability should be understood.

#### Federal Law and the Second Amendment

The Second Amendment to the US Constitution states, "A well-regulated militia being necessary to the security of a free State, the right of people to keep and bear arms shall not be infringed." The Second Amendment

was written to ensure the states' ability to raise well-regulated militias, so although Congress's power to tamper with gun regulation is limited, the individual states have relative freedom to pass laws with regard to firearms.<sup>33</sup> As written in the Supreme Court case *Presser v Illinois* in 1885, "The Second Amendment to the Constitution is a limitation only upon the power of Congress and the national government, not upon that of the states" (116 US 252 [1886]).

#### California Law

In recent years, the California legislature has passed several laws related to firearms. Examples are classified here using a typology similar to that developed by firearm policy experts<sup>21,26</sup>:

- The manufacture and sale of 55 assault weapons were banned.
- Obstacles to firearm availability have been increased, including a 15-day waiting period on firearm purchases and a limitation on private gun sales by unlicensed sellers.
- Laws have addressed user behavior and gun allocation, including increased restrictions on firearm ownership by convicted felons, prohibited sale to persons under restraining order for domestic violence, penalties to those possessing firearms while under the influence of illegal narcotics, stricter penalties for persons illegally carrying firearms in public, and handgun safety training requirements.
- Other measures have attempted to regulate the lethality of the product itself, including a ban on multiburst trigger activators.

Many other similarly focused proposals are currently under consideration by the legislature.

Although these laws, and many of the more than 20,000 laws in force nationwide<sup>34</sup> begin to address the gun issue, the logistics of enforcement are difficult, and evidence of efficacy is questionable. For example, because the ban on assault weapons restricts certain weapons only by name, manufacturers can simply change the name of a banned weapon, perhaps with some cosmetic modifications, and then legally offer the "new" weapon for sale. For the other laws, the absence of a mechanism to account for existing firearms or for illegal users such as felons or domestic abuse suspects makes eliminating illegal sales difficult and the effectiveness of waiting periods uncertain.

Another law, however, represents a new tack in the fight against irresponsible firearm behavior—liability. In 1991, it became a crime in California to leave a loaded firearm where a child could obtain and use it to injure someone. The idea that owners must take greater responsibility for their weapons seems to be taking hold among many policy makers.

In terms of local legislation, little can be done in California, largely because communities cannot pass local laws that affect the licensing or registration of firearms. Because of state preemption law, last amended in 1971, such matters are reserved for statewide action only, exclusive of all attempts at local regulation (Cal Code §53071).

Thus, even if a community decides that the state has been ineffective in curbing firearm violence, that community cannot pass gun measures that involve licensing or registration.

#### Ideas for Addressing Gun-Related Violence

Policy Analysts' Proposals

Several leading firearm policy analysts have made proposals that address gun-related violence. They have recommended increasing data collection to better understand firearm violence and to evaluate the efficacy of prevention interventions. They stress the importance of educating policy makers, attorneys, physicians, consumer advocacy groups, and the public as to the inherent dangers of firearms and to the firearm industry's use of fear to sell these dangerous "solutions." Others have analyzed the shortcomings of existing legislative approaches. <sup>21</sup>

#### Other Proposals

The following policy suggestions are based on the legal, scientific, and statistical information discussed earlier. These policies focus on firearms themselves, but other policies regarding such issues as modification of violent behavior, control of substance abuse, enhanced law enforcement, and economic improvement are important as well.

- Allow local governments and communities to participate in the effort to decrease firearm violence and to address a growing health concern. California's preemption law denies citizens the ability to address this growing health problem. Allowing local governments to have a greater degree of regulatory power over the sale, possession, and use of firearms is a necessary step toward alleviating the hazard of guns. A single community taking action to regulate firearms will not solve the problem of gun violence, and there is a role for state-level action, but local activity can serve as a model to encourage similar action by other communities and can send a strong signal to a state legislature.
- Create a state agency, with members representing a diversity of backgrounds, to serve as an expert body for evaluating new weapons in the spirit of existing law. New weapons would need to be inspected for characteristics similar to those guns restricted by law. This body could also serve as a source of balanced information regarding firearms. In such a forum, studies and statistics could be scrutinized thoroughly for proper methodology and accuracy, and recommendations could be made regarding the costs and benefits of certain weapons to society. For example, given their use in over 60% of homicides, handguns might be a logical subject of analysis.

This group could be housed within the Department of Health, giving increased attention to gun violence as a public health problem. The nature of gun violence has become clearer. Guns need to be seen as more than the tools of hardened criminals. New perspectives in thinking about the subject are needed from not only the justice system, but also from a health system viewpoint.

 Increase owner, dealer, distributor, and manufacturer accountability through the creation and enforcement of a legal standard for safeguarding firearms in storage or in transit and through stricter liability for illegal sales and unsafe loaning of firearms. Gun advocates have repeatedly called for more responsible behavior among gun owners, saying that people, not guns, are the real cause of firearm fatalities and injury. Because most guns used in crimes are stolen from individual owners, standards of reasonable storage should be established to ensure that the power gun owners have purchased does not fall easily into the hands of unlawful persons. Breach of this standard would result in fines and some loss of ownership privileges. In addition to the effects these actions would have on criminal access to guns, well-secured household guns are likely to be less dangerous to children and to the large number of potential victims of domestic, heat-of-the-moment assaults.

Owners who sell their guns to others without completing legally required paperwork and those who temporarily loan their guns to illegal users should be held strictly liable for any damage that occurs while the gun is used by these other persons. The standards for dealers, distributors, and manufacturers would be proportionally stricter and the punishments for breach of these standards relatively more severe, given the larger quantities of firearms that their shops, transport vehicles, and warehouses hold.

Teret and Wintemute have also called for direct accountability from firearm manufacturers. They claim that because of the increasingly evident association between the presence of firearms and the incidence of firearm morbidity and mortality, firearm manufacturers, like manufacturers in other industries, should be liable for the damages that their products cause.<sup>35</sup>

• Establish a firearm registry to increase the enforcement and efficacy of current and proposed laws, to increase safety education, and to improve the understanding of criminal and noncriminal firearms violence. Koop and Lundberg have compared the need for firearm registration with the current benefits of automobile registration, especially as firearm deaths are beginning to outnumber those caused by motor vehicle accidents in states such as Texas and California. Registration of firearms and firearm users, with annual registration fees, is crucial to any law that hopes to limit illegal sales or increase owner liability and is necessary for a clearer understanding of gun violence.

Firearm users should obtain operating permits from law enforcement agencies, and those permits should be suspended for unlawful activity. Such registration would facilitate background checks of potential purchasers and facilitate the exclusion of illegal purchasers. In addition, all guns manufactured in or legally shipped to a state could be entered into a registry and tracked, making manufacturers, distributors, and dealers more accountable for the dissemination of the guns they produce, transport, and sell.

An annual registration fee for firearms is also crucial in increasing owner accountability. Illegal private sales and transfers by gun owners would be made less attractive because the annual registration fee could not be avoided until owners presented to an official agency for transfer of gun ownership. Registration would also allow enforcement of the recommended laws outlined here, because owners whose weapons were stolen would similarly continue to pay registration fees until reporting their theft. Failure to report the sale or theft of a registered firearm would be risky, given the possibility that the gun might be used unlawfully in the future, recovered, and then easily traced through the registry to its original owner.

In addition to these deterrent effects, registration would still protect the rights of legally registered gun owners. For example, hunters could still loan guns to friends, as long as those friends held current operator's permits. Registration would also create a better means for law-abiding citizens to ensure that the guns they sell fall into the hands of similarly lawful users.

Registration as well as a comprehensive database of firearm injuries and violence would help in the gathering of better information in an industry that is essentially untouched by any functional regulation. A much more comprehensive understanding of the nature of gun violence is needed, including increased identification of the risks and benefits of gun ownership, a clearer picture of the pathway of guns from manufacturer to criminal, and a truer understanding of the types of guns and gun users most likely to be involved in firearm violence.

Realistically, those wishing to bypass registration might go to nearby states to purchase their guns. A system in California, however, could serve as a model for other states wishing to enact their own registration systems, which could be compatible and accessible across state lines. The operation of such systems could be financed at least partially through the collection of registration and permit fees. Although this approach might appear burdensome and bureaucratic, it seems only logical that, with their increasingly negative effect on society, guns should be monitored and studied at least as well as automobiles.

Taken together, these four policies would give citizens power on a community level, help decrease the steady introduction of the least beneficial and most dangerous weapons, decrease the easy flow of weapons to criminals, poorly experienced gun handlers, and unstable persons, create safer home environments, and allow for a gradual and comfortable de-escalation of the growing problem of gun violence. Law-abiding citizens would still have access to the guns they enjoy, but with the requirement that they take greater responsibility for their guns. Even these indirect measures will likely be met with extreme distrust and skepticism from gun advocates, however.

#### Gun Advocates' Proposals

Many gun owners fear registration and other types of regulation, expressing concern over "police-state policy." A memo from the National Rifle Association (NRA) attacks the Federal Bureau of Investigation's new gun regulation policy proposals as beyond the purview of the Bureau, repugnant to American freedoms, and an ominous sign of police state tactics against law-abiding gun owners (W. R. LaPierre, J. J. Baker, "FBI Director

Launches Police State Agenda Against Law-Abiding Gun Owners" [Memo], *American Rifleman*, August, 1993, p 58).

Although claiming to be afraid of a police state, this group often states that the real solution is to give increased power to law enforcement and the justice system. As the Director of Federal Affairs for the NRA stated in testimony on two bills before the Senate Judiciary Committee Hearing on Assault Weapons: "The NRA has repeatedly suggested ways in which [effective crime deterrence] can be accomplished, including mandatory sentences without parole, more prosecutors, more prisons, and an end to plea bargaining" (US Senate Judiciary Committee, Assault Weapons Ban, August 3, 1993).

There is a place for stricter law enforcement as a means of decreasing violence, but such a policy, by itself, has been ineffective. Over the past decade, the rate of spending on California's corrections system increased more than that on education, health, welfare, or transportation, and the number of prisons in California more than doubled from 12 to 26 (M. Taylor, "Aging Inmates—A Growing Prison Presence," San Francisco Chronicle, August 2, 1993, p A1).

Total expenditures for operating California's justice system nearly doubled between 1985 and 1991, not including building construction costs or the cost of regulatory agencies. In addition, the justice system workforce increased from 115,091 to 150,737 workers between 1985 and 1991, which equates to a rate of increase twice that of California's population growth during this period. Corrections officers and sworn law enforcement personnel such as prison guards and police officers accounted for 73% of all new personnel additions. Still, the rate of firearm-related and other violence continues to grow.

Thus, to reduce firearm violence in the manner proposed by many gun advocates, the justice system will either have to grow even more rapidly or change in its fundamental operation, or both. In the process, as the justice and legal systems gain increasing money and power, the public may have to accept escalating police power, decreasing personal privacy, compromise of the right to due process of law, and an effective decrease in personal freedoms. Ironically, although gun advocates may believe that gun regulation is tantamount to creating a police state, their proposals for decreasing violence solely through increased law enforcement seem to lead to a more serious and much broader type of police state.

#### Conclusion

As a leader in firearm violence, California has begun to pass firearm legislation. Many of these laws may delay access, but they do not prevent it. They may dictate change, but they cannot enforce it. Waiting periods, stricter punishment, limiting private sales, and prohibiting certain sales send an important message, but do not constitute a comprehensive plan.

The problem of gun violence in California cannot be solved with a sudden and dramatic stroke of legislative action.

Guns are an important factor in gun violence, but they are not the only factor. Dealing with the large supply of guns that already exists will be a challenge. Yet, the complexity of firearm violence is not an excuse for the continued reckless additions to an ever-expanding public arsenal

We as a society have choices. We can allow the supply of guns to increase, or we can attempt to curb their growth. We can ask those who possess and manufacture guns to take greater responsibility for the damage that they create, or we can continue to deny the destructive element that the presence of guns creates in our communities. The evidence is increasingly clear—guns do not protect life, they destroy it. The time has come to protect life, not guns.

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